National Special Security Events

Shawn Reese
Analyst in Emergency Management and Homeland Security Policy

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Summary

Major events that are considered to be nationally significant may be designated by the President—or his representative, the Secretary of the Department of Homeland Security (DHS)—as National Special Security Events (NSSE). Beginning in September 1998 through February 2008, there have been 28 events designated as NSSEs. Some of these events have included presidential inaugurations, presidential nominating conventions, major sports events, and major international meetings. The U.S. Secret Service (USSS) is the lead federal agency responsible for coordinating, planning, exercising, and implementing security for NSSEs, and was designated as the lead agency in P.L. 106-544. This report provides information on USSS legislative authority for NSSEs, NSSE designation funding and training, and NSSE funding. This report will be updated when congressional or executive branch actions warrant.

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Legislative Authority

On May 22, 1998, President William J. Clinton issued Presidential Decision Directive 62 (PDD 62)—Protection Against Unconventional Threats to the Homeland and Americans Overseas.[1] PDD 62 established a framework for federal department and agency counter-terrorism programs, which addressed terrorist apprehension and prosecution, increased transportation security, enhanced emergency response, and enhanced cyber security. PDD 62 also designated specific federal departments and agencies as the lead agencies in the event of terrorist attacks.[2] The U.S. Secret Service (USSS) was designated as the lead agency with the leadership role in the planning, implementation, and coordination of operational security for events of national significance—as designated by the President.[3] Other lead agencies for counter terrorism activities included the Federal Emergency Management Agency, the Department of Defense, and the Department of Health and Human Services.

On December 19, 2000, Congress enacted P.L. 106-544, the Presidential Threat Protection Act of 2000, and authorized USSS—when directed by the President—to plan, coordinate, and implement security operations at special events of national significance.[4] The special events were entitled National Special Security Events (NSSEs). Some events categorized as NSSE include presidential inaugurations, major international summits held in the United States, major sporting events, and presidential nominating conventions.

NSSE Designation

Prior to the establishment of DHS in January 2003, the President determined what events of national significance were designated as NSSEs. Since the establishment of the department, the DHS Secretary—as the President's representative—has had the responsibility to designate NSSEs. NSSE designation factors include:

- anticipated attendance by U.S. officials and foreign dignitaries;[5]
- size of the event;[6] and
- significance of the event.[7]

[1] PDD 62 was superseded by a classified appendix to Annex II of National Security Presidential Directive 46/Homeland Security Presidential Directive 15, *U.S. Strategy and Policy in the War on Terror*, on March 6, 2006. The appendix maintains USSS responsibility in planning, coordinating, and implementing security operations at NSSEs.

[2] Presidential Decision Directive 62 is classified. The White House issued a fact sheet abstract about it, and the Federation of American Scientists has posted an "unclassified abstract" said to be "derived from" PDD 62, available at http://www.fas.org/irp/offdocs/pdd-62.htm, visited October 25, 2007.

[3] U.S. Department of Homeland Security, U.S. Secret Service, Office of Legislative Affairs, "National Special Security Events: Meeting the Counter-Terrorism Challenge" (Washington: 2006), p. 1. This document is only available by contacting the U.S. Secret Service's Office of Legislative Affairs.

[4] P.L. 106-544, Sec. 3. 114 Stat. 2716.

[5] Events attended by U.S. Government officials and foreign dignitaries may require federal interest in ensuring that the event is executed without incident and that sufficient resources are available in case of an incident.

[6] A large number of attendees and participants increases security requirements. Additionally, larger events could possibly increase terrorist intentions of attempting to attack the event.

Recent NSSEs include the 2009 inauguration of President Barack Obama, the Republican and Democratic Presidential Candidate Nominating Conventions in 2008, and the state funeral of former President Gerald Ford on January 3, 2007.

NSSE Security

When an event is designated an NSSE, USSS becomes the lead federal agency in developing, exercising, and implementing security operations. The goal of these security operations is to "develop and implement a seamless security plan that will create a safe and secure environment for the general public, event participants, Secret Service protectees, and other dignitaries."[8]

The USSS's Major Events Division (MED) is responsible for NSSE planning and coordinates with other USSS headquarters and field offices. Some of the coordination includes advance planning and liaison for venue and air space security, training, communications, and security credentialing.[9] Additionally, MED coordinates and conducts liaisons with other federal, state, and local agencies—primarily law enforcement entities.

NSSE security is planned, exercised, and implemented through a unified command model that is comprised of representatives of participating federal, state, and local agencies with NSSE responsibilities. During the NSSE's planning phase, each participating agency is tasked according to their expertise or jurisdictional responsibility. USSS states that, "with the support of hundreds of federal, state, and local law enforcement and public safety organizations, each of these events has successfully concluded without any major incidents."[10]

NSSE operational plans include the use of physical infrastructure security fencing, barricades, special access accreditation badges, K-9 teams, and other security technologies. To ensure consequence management, DHS prepositions Domestic Emergency Support Teams, Urban Search and Rescue Teams, national Emergency Response Teams, Nuclear Incident Response Teams, and the Strategic National Stockpile and Mobile Emergency Response System. Specific teams and groupings of teams are designed for each event based on coordination with other federal entities, state and local jurisdictions, available local resources, and mutual aid agreements.[11] Additionally, USSS sponsors training seminars for command-level federal, state, and local law enforcement and public safety officials to provide principles for managing security at major events and strategies for reducing vulnerabilities related to terrorism. The seminars also discuss key strategies and lessons learned from past NSSEs.[12]

(...continued)

[7] Some events have historical, political, and symbolic significance that may heighten the possibility of terrorist attacks. U.S. Department of Homeland Security, Office of the Press Secretary, "National Special Security Events Fact Sheet," July 9, 2003, available at http://www.dhs.gov/xnews/releases/press_release_0207.shtm.

[8] U.S. Department of Homeland Security, U.S. Secret Service, Office of Legislative Affairs, "National Special Security Events: Meeting the Counter-Terrorism Challenge" (Washington: 2006), p. 1. This document is only available by contacting the U.S. Secret Service's Office of Legislative Affairs.

[9] Ibid., p. 2.

[10] Ibid.

[11] U.S. Department of Homeland Security, Office of the Press Secretary, "National Special Security Events Fact Sheet," July 9, 2003, available at http://www.dhs.gov/xnews/releases/press_release_0207.shtm.

[12] Ibid.

NSSE Funding

Even though NSSEs have been conducted since 1998, Congress has only appropriated funding specifically for a general NSSE fund since FY2006. Congress has, however, appropriated funding for five specific NSSEs. The first two were the 2004 Democratic and Republican presidential nominating conventions in Boston, MA, and New York City, NY, respectively. The next two were the 2008 Democratic and Republican nominating conventions in Denver, CO, and Minneapolis - St. Paul, MN, respectively. The 108th Congress appropriated a total of $100 million for presidential nominating convention security at these two events.[13] This $100 million was administered through the Department of Justice's (DOJ) Edward Byrne Memorial State and Local Enforcement Assistance Programs (the Byrne programs). DOJ used the majority of this funding to reimburse state and local law enforcement entities for overtime costs because USSS did not have a mechanism to reimburse state and local law enforcement entities for NSSE security costs.[14] The most recent NSSE funding was $15 million for "emergency planning and security costs" for the District of Columbia which was used for the January 20, 2009, inauguration of President Barack Obama.[15] Additionally, former President George W. Bush declared a state of emergency for the District of Columbia, which authorizes the federal government to reimburse the District for emergency preparedness activities and expenditures that exceed the $15 million Congress appropriated in P.L. 110-329.[16] Additionally, Congress appropriated, in the FY2009 omnibus, $39.2 million for emergency planning and security costs in the District, however, this funding is not specifically for NSSEs.[17]

Federal funding for National Special Security Events (NSSE) costs incurred by federal, state, and local entities is one issue Congress may wish to address. In FY2008, Congress appropriated $1 million for NSSE costs within the Secret Service.[18] Some might argue that the $1 million Congress has annually appropriated for NSSEs in the past couple of fiscal years may not have be adequate to fund NSSE expenditures, such as the recent presidential inauguration. The amount appropriated could be additionally problematic considering that the Secret Service is not authorized to reimburse state and local law enforcement entities' overtime costs associated with NSSEs. Any security costs incurred by the Secret Service could be funded with appropriations specifically designated for the agency, whereas federal reimbursement of any security costs incurred by state and local jurisdictions would have to be appropriated through other federal assistance programs—such as the $100 million appropriated for the 2008 presidential nominating conventions through DOJ's Office of Justice Programs. Congress might consider establishing a program within Secret Service that not only provides the agency with additional funds for

[13] In P.L. 108-287 (An Act Making Appropriations for the Department of Defense for the fiscal year ending September 30, 2005, and For Other Purposes), Sec. 11002, Congress appropriated $25 million for Boston and $25 million for New York City presidential nominating convention security, and in P.L. 108-199 (An Act Making Appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the Fiscal Year Ending September 30, 2004, and For Other Purposes), Sec. 103, Congress appropriated $50 million for the 2004 presidential nominating conventions.

[14] U.S. Department of Homeland Security, U.S. Secret Service, Office of Legislative Affairs, Anthony Lawrence, conversation with the author on August 9, 2007.

[15] P.L. 110-329, Division A, Sec. 135. 122 Stat. 3579.

[16] For more information on this emergency declaration, see http://www.fema.gov/news/newsrelease.fema?id=47284.

[17] P.L. 111-8, Div. D, Title IV.

[18] P.L. 110-161, Div. E.

unexpected NSSE security costs, but also authorizes the Secret Service to reimburse state and local law enforcement entities for security costs.

Presently, state and local jurisdictions can use DHS grants, such as the State Homeland Security Grant Program (SHSGP) and the Urban Area Security Initiative (UASI) for NSSE security activities. The grant approval process for these programs, however, is not flexible, so the programs have limited application to NSSEs. States and localities would need to plan SHSGP and UASI funding for NSSE security annually in their grant applications. For unexpected NSSEs—which may be the result of an unexpected death of a President or a change in location of a planned NSSE—states and localities are unable to plan use SHSGP or UASI funds to in advance for security costs. DHS does authorize states and localities to reprogram SHSGP and UASI funding with the DHS Secretary's approval; however, that may result in states and localities not funding other planned homeland security activities.

Author Contact Information

Shawn Reese
Analyst in Emergency Management and Homeland Security Policy
sreese@crs.loc.gov, 7-0635